

## CONTINUE MEANINGFUL ACCESS TO ALL MICHIGAN WATERWAYS

- Maintain historical access and property values.
- Reduce litigation on a state wide basis thereby enhancing state revenue.
- Maintain meaningful public access to Michigan's lakes, rivers and streams.
- Grant local governments control of their access sites.
- Reduce the current congestion at highly popular public sites throughout the state.
- Provide economic impact generated from recreational activity and tourism.
- Reduce legislation from the bench.

# This is a Statewide ISSUE

Lawsuits are popping up all over the state since the court ruling at Higgins Lake. The four mentioned below are examples of backlot owners losing what they thought were rights they had when they purchased their homes. In these cases backlot homeowners have lost the right to moor boats at road ends due to property dedication language from plats that were developed anywhere from 50 to 100 years ago, before powerboats were even invented.

Lily Y gee v Jeffery Howard	Lake Lansing	11/09/2006
Mark Chauvette v Martin Owczarek	Mullett Lake	10/28/2006
Robert Moskalik v Craig Hilsinger	Coldwater Lake	6/21/2005
Ward v Barron Precision Instruments	Warwick Lake	1/19/2006

The Higgins Lake court case, Jacobs v Lyon Township, is now being used as precedent for all disputes involving road ends. The amount of disputes arising across the state is truly staggering, and in every instance backlot owners, as well as the visiting public, are losing access to popular Michigan Lakes.

# The Need For Legislation

We now have documented road end access disputes at the following lakes:

- Higgins Lake
- Houghton Lake
- Lake Cadillac
- Fenton Lake
- Walloon Lake
- Crystal Lake
- Manistee Lake
- Gravel Lake
- Gun Lake
- Algonquin Lake
- Coldwater Lake
- Saginaw Bay
- Lake Huron
- White Lake
- Clear Lake
- Mullett Lake
- Lake Lansing
- Hamlin Lake
- Sylvan Lake

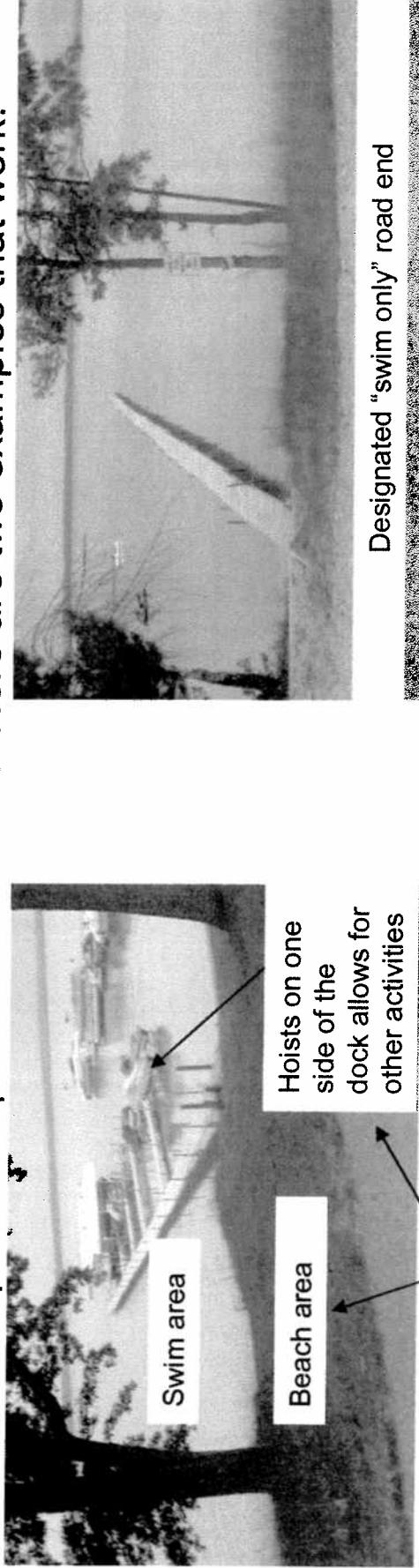
All of these disputes involve land that was dedicated decades ago, before the recreational boating industry began. Courts have been forced to make decisions based on precedent that is over 100 years old. In fact, the precedent used to determine road end uses, *Backus v Detroit*, was decided in 1888!!

# **Local Control**

Let the communities decide how to regulate  
Road Ends

# Local Control

Let the communities decide how to maximize public access in their perspective cities/townships. The options are endless. Here are two examples that work:



Both of these activities are currently illegal

**Let's move Michigan forward, don't let current court rulings deprive the public from fully accessing Michigan's lakes. Our economy depends on it!**



# Roscommon Road Commission

The Roscommon County Road Commission (RCRC) is proposing road end policy that calls for road commissions to support legislation that provides local control and expanded road end uses. The following is an excerpt from the RCRC January meeting minutes:

**Proposed County Road Association of Michigan policy for road ends was presented by Chair Paxton as follows: Support legislation which places control of activities allowed at roads ending at lakes and streams to the local unit of government. Questions such as sun bathing, lounging, docks and the placing of boat hoists shall be removed from the court system and put under the jurisdiction of the local unit of government. Decisions in townships shall be made in coordination with County Road Commissions. The placement of boat hoists shall provide authority to the MDEQ to issue marina permits.**

# Benefits of Local Control

- Improves lake access for backlot homeowners without severely impacting the access of others (alternative access provided)
- Makes housing more attractive, which benefits the community
- Owners of vacation homes are “repeat tourists” who have a large economic impact on lakeside communities
- Boat slips generate money for the townships
- Boat slips actually RELIEVE traffic at the public boat launches
- Provides communities with a local control solution. Expanded uses at multiple road ends provide “something for everyone”

## Tourism Facts

Tourism in Michigan contributes more than \$2.4 billion, annually, in federal, state and local tax receipts. Backlot homeowners contribute to the local communities similar to tourists. Restaurants in particular depend on backlot vacation homeowners to survive.

Six percent of every tourism dollar goes into the state treasury in the form of sales tax receipts.

Michigan residents spend \$3 billion more out of state than out-of-state residents spend in Michigan. (**Let's keep them in Michigan)!!**

# In Conclusion

- Most road ends were dedicated before boating became a popular recreation
- Case law severely restricts road ends
- Numerous communities are suffering from road end access disputes
- Backlot homes are vital to the economy, and need incentives to attract investment
- The public currently does not use road ends, other than for limited boat launching
- Judges have in effect legislated from the bench
- YOU have the power to legislate a solution
- **SUPPORT HOUSE BILLS 4463 & 4464**